



BULKY DOCUMENTS

(Exceeds 100 pages)

Filed: 3/08/2013

Title: REDACTED

Part : 7 of 9

91201920

1 IN THE UNITED STATES PATENT AND TRADEMARK
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X

3 CITIGROUP INC.,

Serial No.

4 Opposer,

85/219,849

Opposition No.

5 - against -

91201920

6 CITIAIR, LLC,

7 Applicant.

-----X

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11 DEPOSITION OF ANTHONY MICHELINI

12 New York, New York

13 Tuesday, October 16, 2012

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17 Reported by:

18 FRANCIS X. FREDERICK, CSR, RPR, RMR

19 NJ CSR LICENSE NO. 30XI 00159400

20 JOB NO. 54316AM

1
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3
4 October 16, 2012

5 1:26 p.m.
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7

8 Deposition of ANTHONY MICHELINI,
9 held at the offices of Skadden, Arps,
10 Slate, Meagher & Flom, 4 Times Square,
11 New York, New York, pursuant to Notice
12 before Francis X. Frederick, a Certified
13 Shorthand Reporter, Registered Merit
14 Reporter and Notary Public of the States
15 of New York and New Jersey.
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1 A P P E A R A N C E S:

2
3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM

4 Attorneys for Opposer

5 Four Times Square

6 New York, New York 10178

7 BY: KENNETH A. PLEVAN, ESQ.

8 LIMOR ROBINSON, ESQ.

9
10 THE TRADEMARK COMPANY

11 Attorneys for Applicant

12 344 Maple Avenue West, Suite 151

13 Vienna, Virginia 22180-5612

14 BY: MATTHEW H. SWYERS, ESQ.

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23 ALSO PRESENT:

24 ANNE MOSES, ESQ., Citigroup Inc.

1 A N T H O N Y M I C H E L I N I, called as
2 a witness, having been duly sworn by a
3 Notary Public, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PLEVAN:

7 Q. Please state your name.

8 A. Anthony Micheline.

9 Q. Mr. Micheline, how old are you?

10 A. I am 46.

11 Q. What is your current position of
12 employment?

13 (Interruption.)

14 (Discussion held off the record.)

15 Q. What is your current position?

16 A. Director of Global Branding doing
17 strategy and research.

18 Q. And who's the employer?

19 A. Citi.

20 Q. What is your education?

21 A. Graduated from Seton Hall
22 University, bachelor of science.

23 Q. And your professional employment
24 background?

25 A. So I started my career at the

1 Pretesting Company which does research for
2 brand -- branding and advertising. Worked at
3 Grey Advertising after that, and then Young &
4 Rubicam, both ad agencies, working on large
5 national brands. Went to Warner-Lambert doing
6 market research in the consumer healthcare
7 group. Then at IBM doing global market
8 intelligence and brand strategy. And then
9 joined Citi in 2004 and have been with Citi
10 since.

11 Q. Briefly describe the kinds of work
12 you do at Citi in the consumer research area.
13 Well, in the research area.

14 A. Yeah. So my focus in the global
15 brand group is strategy and research so my
16 focus is doing research that helps inform the
17 strategic direction for our brand that informs
18 the communications in terms of how we position
19 and develop the brand in the marketplace and
20 internally with employees. And research that
21 helps us monitor the health of the brand and
22 our progress against those goals.

23 Q. What sort of studies do you do on
24 an annual basis?

25 A. We do research that we think of as

1 sort of falling into two broad buckets;
2 qualitative research and quantitative
3 research. They revolve around understanding
4 our audience, our target audience,
5 understanding -- in terms of what they need,
6 how they feel, their perceptions of us and our
7 category, our competitive set, and all the
8 things that we do around our brand. So
9 advertising, a lot of marketing communications
10 work. So that involves everything from
11 advertising effectiveness research on a lot of
12 brand tracking which helps us understand sort
13 of how we're positioned in the market and
14 perceptions around the brand.

15 Q. Are you familiar with the term
16 "awareness"?

17 A. Yeah.

18 Q. And what does that refer to?

19 A. Awareness would refer to the
20 degree to which somebody knows of a brand, is
21 aware of the brand.

22 Q. And has Citigroup, during your
23 time there, done awareness studies to see --
24 measure the awareness of its principal brand?

25 A. Yes.

1 Q. What is the principal brand?

2 A. Citi.

3 Q. C-I-T-I.

4 A. C-I-T-I, yeah.

5 Q. Now, is there a distinction made
6 in research between unaided awareness and
7 total awareness?

8 A. Yes.

9 Q. Can you address what those are?

10 A. Unaided awareness would be level
11 of awareness when prompted with a category or
12 some -- usually a category prompt. In our
13 case what brands are you aware of would be a
14 standard. Total awareness would typically
15 then be gathered through a list of brands. So
16 you're aiding them. So typically unaided plus
17 aided awareness which is combined to measure
18 the total awareness for the brand.

19 Q. Have you seen awareness studies or
20 consumer research measuring awareness from the
21 1990s?

22 A. Yes.

23 Q. And were those, to your knowledge,
24 documents that were taken from Citi's files?

25 A. Yes.

1 Q. Now, have you personally been
2 involved in supervising or contracting for
3 awareness studies while at Citigroup?

4 A. Yes.

5 Q. And have you been involved in
6 interpreting results of such studies?

7 A. Yes.

8 Q. Many times?

9 A. Yes.

10 Q. Are you familiar with the term
11 "iconic brand"?

12 A. Yes.

13 Q. What does that mean?

14 A. We utilize that term to refer to
15 brands that are well known, that are national
16 brands that might informally be called
17 household names that enjoy awareness levels
18 that are, you know, the large majority of
19 people are aware of the brand and we would
20 refer to those as iconic -- iconic brands.

21 Q. Prior to coming to Citigroup, had
22 you, in your professional capacity, worked
23 with iconic brands?

24 A. Yeah. So over my career I've
25 worked with a number of what we would consider

1 iconic brands. IBM, one of the important
2 ones. Worked with Burger King. Worked with
3 Toyota early in my career. Worked with
4 Coca-Cola. At Warner-Lambert we had a number
5 of large national brands that I think would
6 clearly fit in that category. So we've done
7 quite a few of them.

8 Q. Is Citi, C-I-T-I, in your view, an
9 iconic brand in the United States?

10 A. Yes.

11 MR. SWYERS: Objection.

12 Continuing to give expert qualification
13 as to the other witnesses. Thank you.

14 Q. You understand -- do you have the
15 question?

16 A. I couldn't quite hear what he was
17 saying but that's okay. Yes.

18 Q. Okay. So is C-I-T-I brand in the
19 United States an iconic brand?

20 A. Yes.

21 Q. And has it been so since you've
22 been working at Citibank -- at Citi?

23 A. Yes.

24 Q. And what is the basis for your
25 conclusion regarding Citi being an iconic

1 brand?

2 A. Well, the total awareness levels
3 for Citi as far back -- or any of the data
4 that I've seen has always been the large
5 majority of people nationally are aware of the
6 brand. So 80, 90 percent of people are aware
7 of the -- of Citi -- of the Citi brand.

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1 Q. Now, these reports indicate that
2 the mark that was being surveyed was what?

3 A. For total awareness was Citibank.

4 Q. Now, in the last three or four
5 years when you do comparable research what
6 mark are you surveying?

7 A. Citi. We've transitioned the
8 strategy to the master brand being Citi now.

9 Q. From back sometime --

10 A. From back, exactly. At this point
11 it was Citibank.

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1 Q. Let me -- I'm going to hand you --
2 actually my colleague is going to hand you --

3 MO MR. SWYERS: If I may, I'm just
4 going to insert an objection and motion
5 to strike anything that hasn't been
6 presented -- I'm not going to go on like
7 I did before -- for the last three or
8 four years if it hasn't been produced.
9 I'll just, you know, insert an objection
10 and motion to strike and we'll get back
11 to that later. Thank you.

12 BY MR. PLEVAN:

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1 Q. Now, on the first page it refers
2 to BrandZ with a TM, Data on Brand Awareness.
3 What does BrandZ refer to?

4 A. BrandZ is a study conducted by
5 Millward Brown's Optimor Group. So it's a
6 syndicated study, meaning that they produced
7 this study on an ongoing basis and then sell
8 the results to multiple clients. It can be
9 purchased from them. So it's a long-standing
10 study that's been in place.

11 Q. Now, so I understand, whether or
12 not you buy the data, they're going to collect
13 it and then you're free to purchase it.

14 A. Correct.

15 Q. And are you obligated -- are you
16 required to keep it confidential?

17 A. We are not able to share it
18 without their sort of consent. If we wanted
19 to quote something we'd have to consult with
20 them on it since we purchase the data for our
21 usage. So for us and our partners our agency
22 partners will utilize this as information.

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1 the document trade secret commercially
2 sensitive and it will be designated in this
3 transcript as well under that protection.

4 And then it refers to Millward
5 Brown. Who is Millward Brown?

6 A. Millward Brown is one of the
7 largest research companies globally. They
8 specialize in brand and advertising research.
9 The Optimor Group is a division of their
10 company that focuses on brand research in
11 particular.

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1 Q. Thank you.

2 I want to go back to when you
3 actually defined some of the terms that we're
4 speaking about today. Total awareness versus
5 unaided awareness.

6 Referring again to the footnotes,
7 I think they are, on the same document, OPP
8 010828, unaided brand awareness is effectively
9 when a consumer is just simply asked, you
10 know, what do you think about credit card
11 brands or issuers or -- I'm sorry -- when you
12 think about credit card brands or issuers,
13 what are the credit card brands or issuers
14 that come up for financial services.

15 And the consumer is left to just
16 come up with whatever off the top of their
17 head they can think of, correct?

18 A. Yes.

19 Q. Now, aided brand awareness I think
20 is what you referred to as total brand
21 awareness as well; is that correct?

22 A. Correct.

23 Q. Okay. And that is when they are
24 effectively given a list in a specific
25 category, as it were, and they're asked what

1 do you feel about these brands. Sort of a
2 total or not.

3 A. No. Just asked if they're aware
4 of the brand.

5 Q. Okay. Aware of the brand in what
6 context? Like it existing whatsoever?

7 A. Yeah. Well, which survey are you
8 asking about so I can be specific.

9 Q. Generally speaking -- I'll just
10 take your knowledge from this. Total
11 awareness questions, how are they phrased?
12 How are they created?

13 A. They're created by asking the
14 respondent if they're aware of the brands that
15 they're being presented with in a list.

16 Q. And then they're presented with
17 those brands.

18 A. Right.

19 Q. And they're presented with those
20 brands in the context of what service industry
21 those brands exist.

22 A. Depends on what the survey is. So
23 if you're talking about in the case of one of
24 these examples where we're looking at credit
25 cards, you can see in the question wording

1 that the whole study is framed in the context
2 of credit cards. So in that case you might
3 say which of these credit card brands are you
4 aware of.

5 Many of our studies we look at the
6 broader brand level and we're referring to
7 them either as financial services brands or
8 banks as a broader context.

9 Q. And it's always -- and within the
10 context of the Citi brand, the focus is always
11 on financial services from a brand management
12 perspective and these questions.

13 A. It depends on -- obviously, like
14 these examples here, our focus is on banking
15 or credit cards. If it's in credit cards
16 there are different things we might be asking
17 about, reward programs or different products
18 or services. So typically the context is set
19 by what you're measuring.

20 Q. Within that context with the
21 studies that we've spoken about today, we can
22 agree they're financial in nature.

23 A. Yes.

24 Q. One moment, please.

25 (Pause on the record.)

1 MR. SWYERS: I have nothing
2 further.

3 REDIRECT EXAMINATION

4 BY MR. PLEVAN:

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1 MR. PLEVAN: I have nothing
2 further.

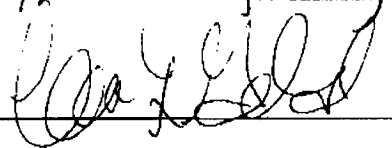
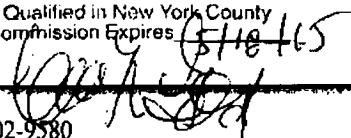
3 MR. SWYERS: You're done. I have
4 nothing further.

5 MR. PLEVAN: Okay. Let's take a
6 break.

7 (Time Noted: 2:11 p.m.)
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21 ANTHONY MICHELINI

22 Subscribed and sworn to before me
23 this 7th day of January, 2012.

24 CARA L. GOLD
Notary Public, State of New York
No. 01GO1050841
25 Qualified in New York County
Commission Expires 5/18/15



[illegible]

I, FRANCIS X. FREDERICK, a
Notary Public within and for the State
of New York, do hereby certify:

That ANTHONY MICHELINI, the witness whose deposition is hereinbefore set forth, Tuesday, Oct 16, 2012 was duly sworn by me at the offices of Skadden, LLP, 4 Times Square, New York, New York 1:26 p.m. to 2:11 p.m. of that day, and that such deposition is a true record of the testimony given by the witness.

I further certify that in accordance to Rule 28 of the Federal Rules of Civil Procedure that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

I further certify that counsel for the adverse party, MATTHEW H. SWYERS was present at this deposition.

IN WITNESS WHEREOF, I have
hereunto set my hand this 19th day of
December, 2012.

FRANCIS X. FREDERICK

----- I N D E X -----

| WITNESS | EXAMINATION BY | PAGE |
|-------------------|----------------|-------|
| ANTHONY MICHELINI | MR. PLEVAN | 4, 40 |
| | MR. SWYERS | 33 |

----- INFORMATION REQUESTS -----

DIRECTIONS: NONE
RULINGS: NONE
TO BE FURNISHED: NONE
REQUESTS: NONE
MOTIONS: 18

----- EXHIBITS -----

OPPOSER'S IN EV

| | |
|---|----|
| Exhibit 101..... | 11 |
| 9/1990 Citibank Corporate Image Tracking Research | |
| Exhibit 102..... | 14 |
| 1995 Citibank Corporate Image Tracking Research | |
| Exhibit 98..... | 19 |
| 60/30/2008 BrandZ Brand Awareness Data | |
| Exhibit 99..... | 25 |
| 8/2011 Citi Brand Survey | |

NAME OF CASE: CITIGROUP INC. vs CITIAIR, LLC

DATE OF DEPOSITION: OCTOBER 16, 2012

NAME OF WITNESS: ANTHONY MICHELINI

Reason codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

Page _____ Line _____ Reason _____
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ANTHONY MICHELINI